

CITY OF HAYWARD AGENDA REPORT

Meeting Date 02/24/05 Agenda Item 2

TO:

Planning Commission

FROM:

Erik J. Pearson, AICP, Associate Planner

SUBJECT:

Site Plan Review No. PL-2004-0381 – Alejo Pascual (Applicant/Owner) - Planning Director's Referral of a Request to Construct a Mixed-Use Building

with Ground-Floor Commercial and One Second-Floor Apartment

The property is located between 30088 and 30100 Mission Boulevard, near

Arrowhead Way, in a General Commercial (CG) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission:

- 1. Find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15332, *In-Fill Development Projects*; and
- 2. Approve the site plan review application, subject to the attached findings and conditions.

DISCUSSION

The proposal is for an approximately 5,000-square-foot mixed-use building on a vacant 15,400-square-foot lot. The ground floor would contain 3,382 square feet of commercial space. One apartment on the second floor would have 1,273 square feet of living area. The apartment would also have a garage and private entry on the first floor. Surrounding land uses include a one-story office building to the south, a two-story commercial retail/office center to the north, medium-density residential buildings (duplexes and triplexes) to the east on Vanderbilt Street, and across Mission Boulevard to the west is the Mission Hills Golf Course. The proposed parking lot would share an existing driveway with the commercial retail/office center immediately to the north.

The General Plan designation for the property is Commercial/High Density Residential, where mixed commercial and residential uses are encouraged when compatible with surrounding land uses. The property is located in a General Commercial (CG) Zoning District, which allows a variety of retail and service related commercial uses and residential dwelling units when located above a first floor commercial use. The Planning Director has referred this application to the Planning Commission for two reasons. First, the owners of the property immediately to the south have objected to the project and secondly, the project, although not significant in terms of size,

may be of interest to the Twin Bridges and Fairway Park neighborhoods. As the proposed land uses are primary uses of the CG Zoning District, the issue at hand is the design of the project.

The building is designed in a contemporary architectural style in an effort to be compatible with both the retail and office buildings to the north and the ranch-style office building to the south. The building has a tower element to accentuate the main entrance to the building. In an effort to make the window-less south wall of the building more interesting, the wall has been designed with metal reveals, faux windows, and a parapet with a decorative cornice. The existing landscaping along the property line and the large cedar tree on the adjacent property to the south will help to soften the visual impact of this wall. The colors proposed for the building are a pale brown with an off-white trim. While these colors are compatible with the office/retail building to the north, staff recommends that the developer add another color to the palette.

The ground level commercial space is designed to be used by either one or two tenants. There would be two public entrances and both spaces could have access to the rear door and utility areas. The west elevation of the building (facing Mission Boulevard) has space for wall signs to identify each tenant. Plans also include a monument sign located near the entrance driveway. The monument sign may be as tall as 12 feet and must be setback 12 feet from the front property line. The setback may be reduced by 1 foot for every foot the sign is lowered down to a 2-foot minimum.

The second-floor apartment would have two bedrooms, two full bathrooms and a one-car garage. The apartment would have a private entry on the rear side of the building. A 91-square-foot balcony is proposed for the north side of the building over-looking the parking lot. The applicant originally proposed a roof deck on the south side of the apartment for use by the residents. The applicant removed the access to the roof deck after the owners of the office building to the south objected, citing security and noise concerns. Although the balcony on the north side does provide some outdoor space, there is no ground level outdoor space for residents. Therefore, staff recommends that the roof deck be included as it would provide an additional 630 square feet of open space of the enjoyment of the residents. Regarding the issue of security, it should be noted that the two buildings would be 15 feet apart, making it difficult for a person to jump from roof to roof. Regarding possible noise impacts, the office building already has residential neighbors to the east and any noise from people living adjacent to the office building would be somewhat dulled by the ambient traffic noise from Mission Boulevard.

Parking & Transportation

The commercial space requires 1 parking space per 200 square feet of gross floor area. The required 17 parking spaces are shown on the site plan. The apartment will have one reserved parking space inside the garage. It is anticipated that any guests or additional resident vehicles can share the proposed parking lot with the commercial tenants.

AC Transit bus route number 99 serves the property seven days a week. The bus line connects the Hayward and Fremont BART stations and those in between. The nearest stop is at the corner of Arrowhead Way and Mission Boulevard, about 200 feet from the project site. The site is also approximately one mile from the South Hayward BART station.

ENVIRONMENTAL REVIEW

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15332, *In-Fill Development Projects*.

PUBLIC NOTICE

On July 23, 2004, an Official Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Twin Bridges Homeowners Association, Fairway Park Neighborhood Association, Fairway Park Neighborhood Task Force.

One letter dated July 26, 2004 (see Attachment D) was received from the owners of the property directly to the south, raising concerns about the proposed project regarding the building height, the residential component and security. The letter states that the owners would oppose a two-story building on the site. There is no building height limit in the CG zoning district, however, the wall proposed to be on the property line is 16 feet high, or 21 feet above the ground level of the office building to the south. Also, the second-floor apartment is setback 18 feet from the south wall of the proposed building. The letter states objection to anyone living in the building, but the CG regulations allow residential dwelling units as a primary use when located above a first floor commercial use. Staff met with the owners on August 3, 2004 where they affirmed their opposition to the apartment and added that noise from children playing could be a problem for people working in their building. As noted earlier, staff does not expect security or noise to be a problem given the separation between the buildings and the surrounding land uses. Staff sent the owners a copy of revised plans on October 19, 2004 and has received no comments on the plans.

On February 14, 2005, a Notice of Public Hearing for the Planning Commission meeting was mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION

The proposed project is consistent with the City's Design Guidelines, Zoning Ordinance and the Fairway Park Neighborhood Plan. The proposal would create an attractive, mixed-use project that could provide neighborhood-serving businesses. The second-floor apartment would provide for someone to watch over the property when there are otherwise very few people around. The apartment is also supported by the General Plan policy of encouraging a variety of housing types.

Prepared by:

Erik J. Pearson, AICP

Associate Planner

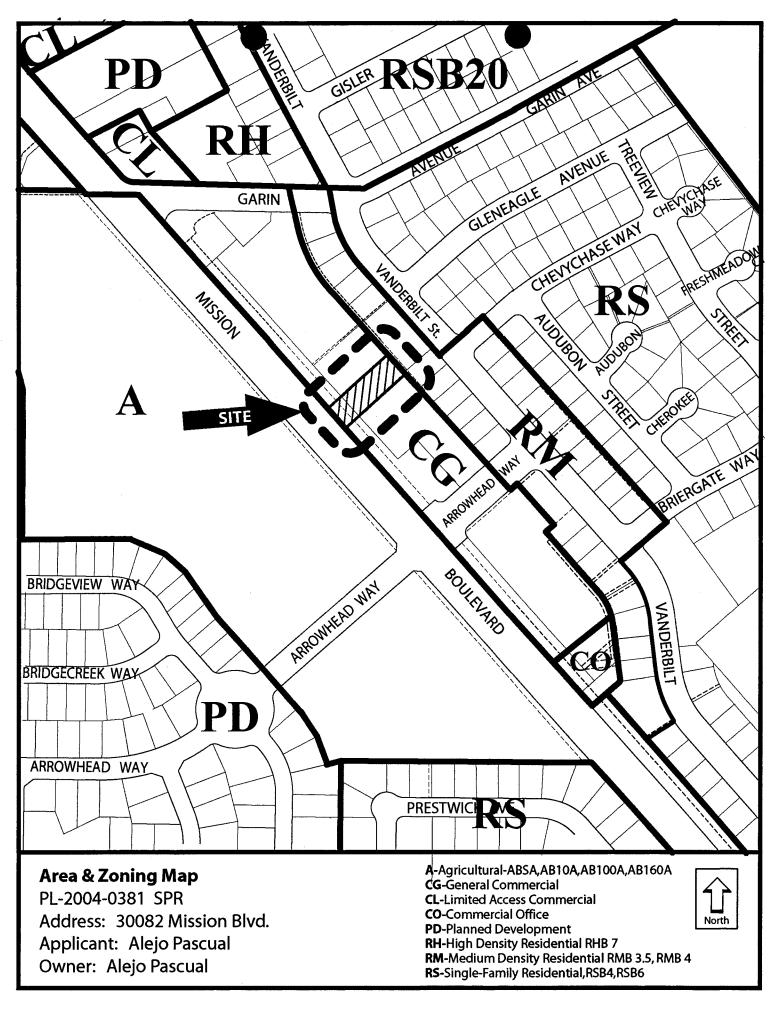
Recommended by:

Dyana Anderly, AICP

Planning Manager

Attachments:

- Area & Zoning Map A.
- Findings for Approval B.
- Conditions of Approval Letter from Neighbors C.
- D.
- Photosimulation E.
 - Plans



CITY OF HAYWARD PLANNING DIVISION SITE PLAN REVIEW APPROVAL

February 24, 2005

<u>Site Plan Review No. PL-2004-0381:</u> Request to Construct a Mixed-Use Building with Ground-Floor Commercial and One Second-Floor Apartment – Alejo Pascual (Applicant/Owner)

The property is located between 30082 and 30100 Mission Boulevard, in a General Commercial (CG) Zoning District

Findings for Approval:

- A. That approval of Site Plan Review Application No. PL-2004-0381, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332 of the CEQA Guidelines (In-Fill Development Projects).
- B. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the proposal provides a compatible transition between the modern buildings to the north and the ranch style building to the south.
- C. The development takes into consideration physical and environmental constraints in that the building is well designed to fit the size and topography of the site.
- D. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines and the Fairway Park Neighborhood Plan.
- E. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that retail and residential use of the property is expected to have few if any external impacts.

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The property is located between 30082 and 30100 Mission Boulevard, in a General Commercial (CG) Zoning District

CONDITIONS OF APPROVAL:

- 1. Site Plan Review Application No. PL-2004-0381 is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
- 2. If a building permit is issued for construction of improvements authorized by the site plan review and variance approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review and variance approvals.
- 3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
- 4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
- 5. Prior to application for a Building Permit, the following changes shall be made to the plans:
 - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
 - b) There shall be access from the apartment to a roof deck.
 - c) The plans shall show that pavement at the driveway entry will be enhanced by the use of decorative pavement materials such as colored, stamped concrete

(bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.

- d) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of the building.
- e) Plans shall show locations of all utilities including electrical transformers, water meters, cable boxes, telephone and lighting boxes, etc. All utilities shall be installed underground. Whenever possible, utility boxes shall be located within sidewalks or driveways not in landscaping.
- f) One-foot wide curbs shall be provided at any location where landscaping abuts the side of a parking space.
- g) The accessible parking and loading space shall be redesigned to the satisfaction of the City Building Official.
- h) The scale and dimensions of the compact parking stalls and the 4-foot-wide walkway shall be corrected.
- i) Details of a covered trash enclosure shall be provided.
- 6. Prior to issuance of a Building Permit:
 - (a) Copies of the encroachment permit from Caltrans shall be provided to the City Engineer and the Planning Director.
 - (b) A revised color and materials board shall be approved by the Planning Director.
- 7. Prior to the issuance of any Sign Permits, the developer shall submit and obtain approval for a sign program for the identification of the retail tenants.
- 8. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work shall be done on Sundays or national holidays.
- 9. The applicant or property owner(s) shall maintain in good repair all fencing, walls, parking and street surfaces, landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. Any graffiti painted on the property shall be painted out or removed within 10 days of occurrence.
- 10. Any satellite dishes shall be located as near as possible to the center of the roof to limit visibility from the ground.
- 11. The garage shall be maintained for parking and shall not be converted to living or storage space. An automatic garage door opening mechanism shall be provided for the garage door.

- 12. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
- 13. Utilities, meters, and mechanical equipment when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen so that they are not visible from the street. Sufficient access for reading must be provided to meters.
- 14. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

Landscaping:

- 15. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.
- 16. The landscaping plans shall include:
 - a) One 24" box street tree is required for every 20 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the most current City Standard Detail SD-122.
 - b) Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
 - c) All above ground utilities and mechanical equipment shall be screened from the street with five gallon shrubs.
 - d) Add 6-inch curbs at the back landscape areas against the building.
 - e) Provide one 15 gallon tree, shrubs and groundcover in each of the landscape endcaps. The minimum interior width of all planter areas is 5 feet.
 - f) Plant self climbing vines such as Boston Ivy on the trash enclosure and the masonry wall.
 - g) The parking must be screened from the street with a solid evergreen hedge of plants that have a maximum mature height of 36" planted on close enough spacing to completely screen the parking within two years.
 - h) Add accent/color shrubs at the base of the sign.
 - i) A tree must be provided in each endcap.
 - j) Extend the groundcover under all of the shrubs throughout the site.
- 17. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or

dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

18. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

Engineering:

- 19. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. The grassy swale shown on the grading plan is in an area that is too steep.
- 20. The owner shall prepare a Storm Treatment Measures Maintenance Agreement (available at Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
- 21. All on-site storm drain inlets must be labeled "No Dumping Drains to Bay", or equivalent, using methods approved by the City.
- 22. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
- 23. The owner shall execute a Joint Maintenance Agreement for the common driveway.
- 24. The developer shall construct curb, gutter and sidewalk and tie-in pavement along Mission Boulevard property frontage.
- 25. The south side of the driveway shall be designed in conformance with City of Hayward Standard Detail SD-110 (sheet 2 of 2). However, if Caltrans has a preferred design, then Caltrans standards shall apply.

Fire Department:

- 26. The existing 24' wide driveway, which also serves the adjacent property, shall be a dedicated fire lane. No parking signage and red-curbing shall be installed on all new landscape curbs abutting the driveway surface.
- 27. A new public fire hydrant shall be installed on Mission Boulevard in front of the property because the distance to the nearest public fire hydrant is in excess of 150 feet.
- 28. The building shall have an automatic fire sprinkler system installed throughout conforming to NFPA 13 Standards.

- 29. A dedicated underground fire service line shall be installed to supply the buildings' fire sprinkler system. The underground fire service line shall be installed per NFPA 24 Standards and shall meet City of Hayward Fire Department Standards (SD-204).
- 30. The building shall be monitored for fire sprinkler flow through an approved central station monitoring company.
- 31. The building shall be equipped with local alarm signaling devices interconnected to the buildings' fire sprinkler system and the alarms shall be capable of activating upon any waterflow activity.
- 32. Manual pull stations and audible devices shall also be installed within the commercial (retail) space(s).
- 33. Portable fire extinguishers shall be installed in the commercial space. Fire extinguishers shall have a minimum rating of 2A:10BC.
- 34. The 2nd floor residential use shall have interior smoke detectors installed per the California Building Code (CBC). Smoke detectors shall be electrically powered with battery back-up.
- 35. Exiting shall meet the California Building Code (CBC), Chapter 10.
- 36. The building shall have a minimum Class A roof covering.
- 37. Exterior siding materials shall be of the non-combustible type having a minimum 1-hour rating.
- 38. Building addressing shall meet Fire Department Standards.

Solid Waste & Recycling:

- 39. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
- 40. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.
- 41. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 7/19/04.

Utilities:

- 42. The apartment must have an individual water meter.
- 43. Each business must have an individual water meter.
- 44. Show on plans the location of proposed water meters. Water meters are to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code.
- 45. The apartment must have an individual sanitary sewer lateral.
- 46. A separate irrigation water meter for landscaping purposes shall be installed.

- 47. A Reduced Pressure Backflow Prevention Assembly shall be installed as per City of Hayward Standard Detail 202 on all commercial, domestic and irrigation water meters.
- 48. Water & Sewer service is available subject to standard conditions and fees in effect at time of application.
- 49. Additional Sewer System Capacity to accommodate the volume and waste strength of wastewater to be discharged from the property must be purchased, at the rates in effect at the time of purchase, prior to discharge.
- 50. The developer shall install a mechanical device to control fat, oil and grease discharge from any food service establishment, unless this requirement is expressly waived by the Director of Public Works or designee. The type, size, and location of the device shall be approved by the Director of Public Works.
- 51. Show Gallon Per Minute Demand on plans to determine proper meter sizes for commercial, residential and irrigation water use.
- 52. Add following notes to plans:
 - (a) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
 - (b) **Only Water Distribution Personnel** shall perform operation of valves on the Hayward Water System.

General:

53. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.



Bob & Brenda Jones 3713 Star Ridge Road Hayward, CA 94542 (510)886-8913

JUL 2 8 2004

PLANNING DIVISION

July 26, 2004

City of Hayward Planning Division 777 B Street Hayward, CA 94541

Subject: Request for construction of lot between 30082 & 30100 Mission Boulevard

To Whom It May Concern:

This is to advise you that we *absolutely* and fervently oppose construction of this lot as you have described it in your enclosed notice.

We are the owner of the commercial building, Peachtree Plaza, located at 30100 Mission Boulevard, adjacent to the referenced lot. Although we are very pleased that the lot will finally be improved, the residential apartment on the second floor and the parking garage (we assume for the resident of the apartment) could create an extreme problem for us.

This is a commercial area and there is NO residential housing along Mission Boulevard from Alquire Parkway past Chapel of the Chimes cemetery. We would oppose any decision to allow construction of a 2-story building next to our lot, particularly allowing someone to reside in it. Our building is a large, open square. A second-story commercial or residential construction would allow a clear view and relatively easy access to the interior courtyard of our building.

We respectfully request that a City of Hayward Planning Commission representative visit our building before entertaining this project. Please give me a call at your convenience to arrange a visit. I can be reached at (510)487-3383, ext. 20.

Sincerely,

Brenda Jones

/s

encl

THE SITE

MISSION COMMERCIAL

30082 MISSION BOULEVARD, HAYWARD CALIFORNIA

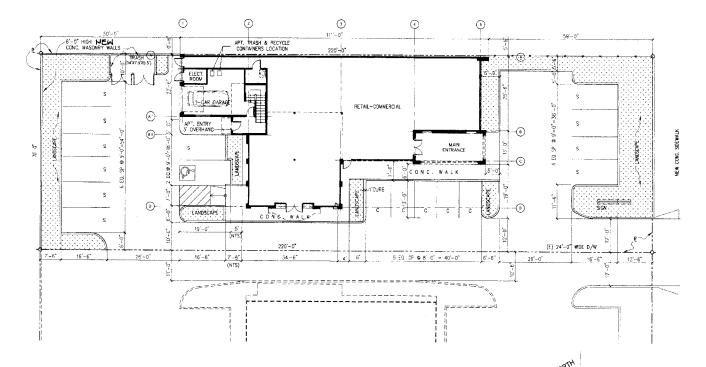
LOCATION PLAN

LOT AREA 15,400 S.F.

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RETAIL-COMMERCIAL = 3,382.00 S.F. APARTMENT = 1,272.60 S.F.

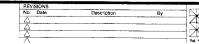


1 SITE PLAN
SCALE: 1" = 10-0"

PROJECT # PL-2004-0381 SPR

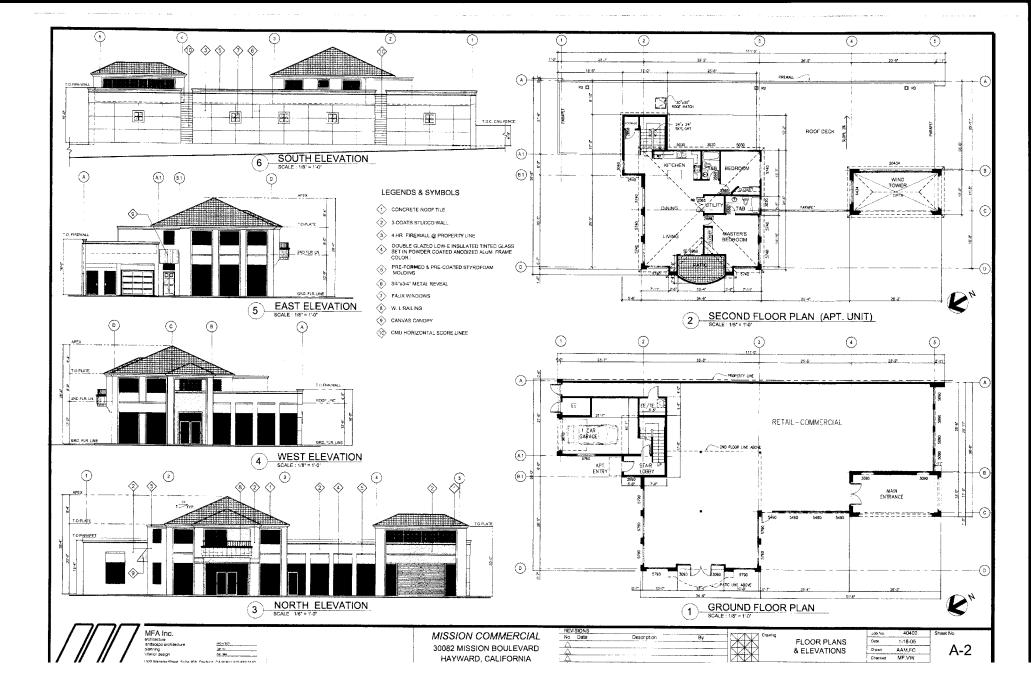
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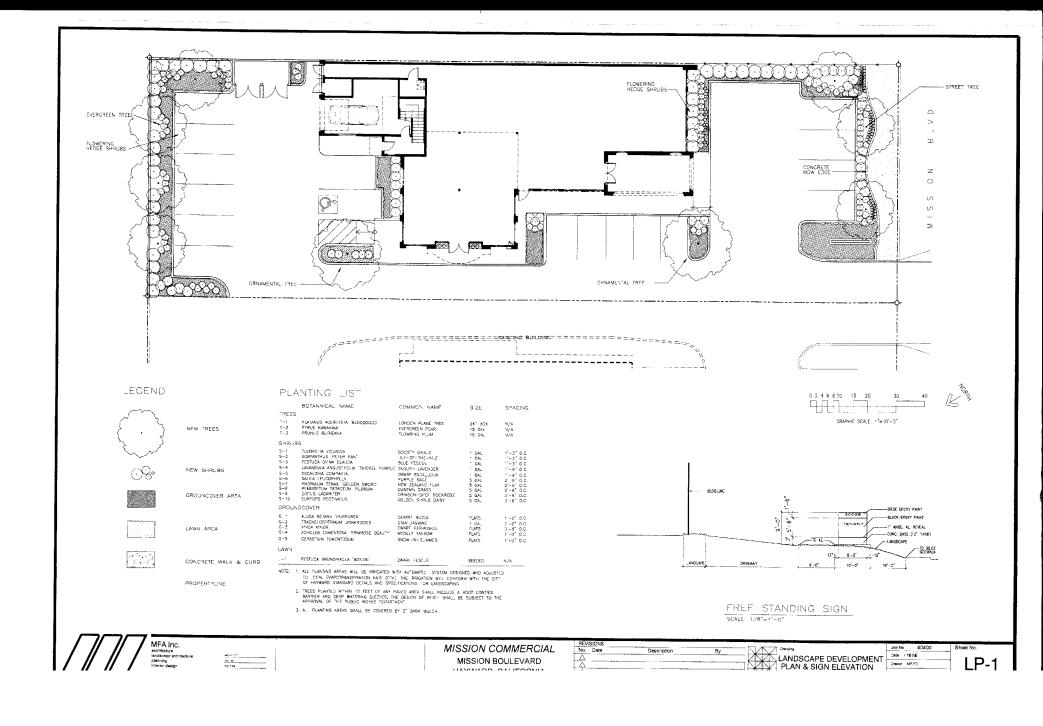
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HAYWARD, CALIFORNIA

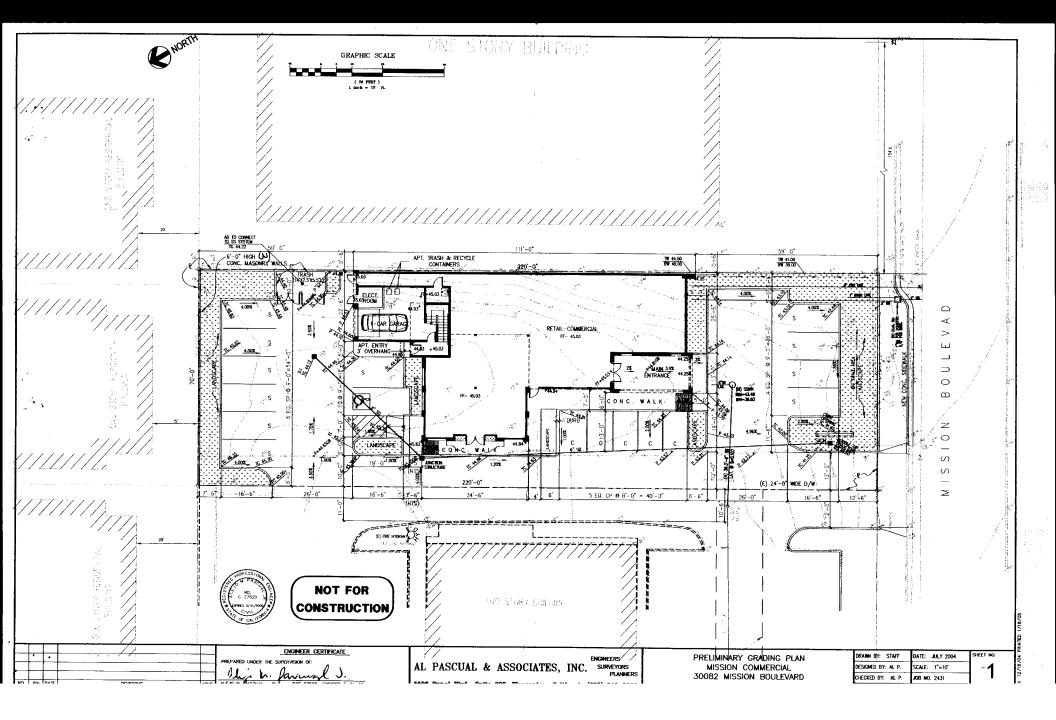


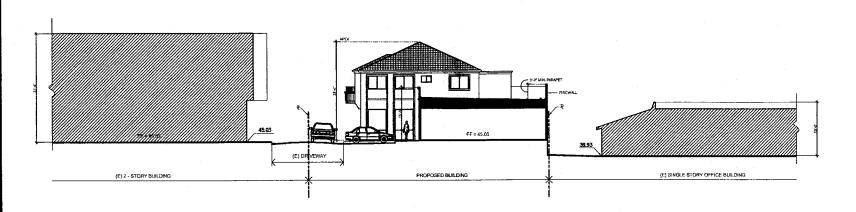
SITE PLAN

of Sha









1 SITE PROFILE SECTION FACING STREET



MISSION COMMERCIAL 30082 MISSION BOULEVARD HAYWARD, CALIFORNIA

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